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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

CHAPTER 11

JUDITH MANDUJANO,

CASE No. 17-23716 (SHL)

DEBTOR

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**AFFIRMATION IN SUPPORT OF MOTION FOR AN ORDER APPROVING
INSURANCE CLAIM SETTLEMENT *NUNC PRO TUNC TO FEBRUARY 6, 2023***

Todd S. Cushner, an attorney at law duly admitted to the Southern District of New York,
affirms as follows:

1. I am the attorney for debtor Judith Mandujano (the “Debtor”) in this bankruptcy case.

2. On November 9, 2017, (the “Petition Date”) the Debtor’s prior attorneys the law firm of E. Waters & Associates, P.C. filed a voluntary petition for relief under chapter 11 of title 11, United States Bankruptcy Code (the “Bankruptcy Code”) in the United States Bankruptcy Court, Southern District of New York (White Plains Division), Case No. 17-23716 (SHL).

3. The Debtor has continued in possession of her property as a debtor-in-possession pursuant to Bankruptcy Code sections 1107 and 1108.

4. No trustee, examiner, or official committee of unsecured creditors has been heretofore appointed in this chapter 11 case.

5. I submit this affirmation in support of the Debtor’s application seeking an Order approving Debtor’s settlement agreement with

6. On November 9, 2017, the Debtor filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the Southern District of New York and an

order of relief was duly entered.

7. Among the Debtor's primary assets in this case is the real property located at 140 Hale Avenue, White Plains, NY 10605 (the "Hale Ave. Property"). The Hale Property is also the Debtor's primary residence.

8. The Hale Ave. Property is encumbered by a first mortgage lien held by BSI Financial Services, Inc. as servicer for U.S. Bank Trust National Association as Trustee of Cabana Series III Trust ("Secured Creditor").

9. On or about July 12, 2022, the Property was destroyed by a fire.

10. To act on behalf and aid in the preparation, adjustment, and negotiation, or effecting the settlement, of the claim for the loss or damage by fire, the Debtor solicited the assistance of Michael J. Bilt ("Bilt"), a Licensed Public Adjuster, and a Principal of Atlas Adjustments, LLC, located at 10 Mitchell Place, Suite 101, White Plains, NY 10601.

11. On January 12, 2023, Debtor filed a motion on presentment to employ Bilt, but Secured Creditor objected to Bilt's employment. The matter is to be scheduled for a hearing at a later date.

12. As a result of Bilt and his teams' efforts, the Debtor reached a settlement (the "Insurance Settlement") with her property insurance carrier National General Insurance. The Settlement provides for a net payout for the dwelling in the amount of \$650,619.80; and a net payout for contents the Debtor in the amount of \$56,468.64. The total amount due to Bilt as the Public Adjuster is approximately \$45,734.29, which is equivalent to 6% of the dwelling settlement and 6% of contents settlement plus \$1,250.00, for the cost of obtaining an engineer's report for the Hale Ave. Property. (A copy of the Settlement is attached to the proposed order as **Exhibit "A"**).

13. The proposed Insurance Settlement will significantly benefit the Debtor by adding monies to the estate to fund the Debtor's chapter 11 plan of reorganization.

14. The approval of the Insurance Settlement will have no adverse impact on Debtor's creditors.

15. Therefore, the Debtor respectfully requests that this Honorable Court approve the Insurance Settlement between the Debtor and National Guard Insurance.

Dated: White Plains, NY
February 27, 2023

Respectfully submitted,

By: /s/ Todd S. Cushner
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